

May 4, 1989

LB 84A, 211, 767, 769, 813

Hall to LB 767; Senator Lamb to LB 84A; Senator Schmit to LB 813; Senator Chizek to LB 211. (See pages 2106-09 of the Legislative Journal.)

Mr. President, with the divided question, I now have an amendment to Section 1 by Senator Chambers. (Chambers amendment appears on page 2109 of the Legislative Journal.)

SPEAKER BARRETT: Senator Chambers, for your amendment to Section 1 of the divided Lindsay amendment.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, and, Senator Lindsay, I wish you would listen to this. In reading the amendments, what we have in this bill now are committee amendments in addition to the green copy. In the committee amendments, and I will read from the committee amendment, on page 2 of the committee amendments we have a new subsection added to the bill. Are you with me there? In line 11, where it says physician or attending physician shall mean the physician intending to perform the abortion. Do you see that language in the committee amendment?

SENATOR LINDSAY: Mmmm, hmmm.

SENATOR CHAMBERS: Okay. What my amendment would do in Senator Lindsay's amendment, since we're talking about a physician is to strike "person" and put the language in the penalty section that the bill is dealing with. And I'll be quite frank, the language in Senator Lindsay's amendment is much broader than what the bill purports to be concerned about. The bill, because of the addition in the committee amendment of the terms "physician and attending physician" make it clear that we're talking about a physician performing the abortion. In the penalty section we get away from the term "physician" and apply it to any person. It is not likely that a court would say when the Legislature wrote this bill and it intended to deal with an attending physician that it anticipated somebody who is not a physician giving this kind of notification and so forth. So I would narrow the sweep of the penalty provision so that it applies to the physician or attending physician and this is the way the Lindsay amendment would read with my amendment. "Any physician or attending physician who knowingly and intentionally performs an abortion in violation of this act shall be guilty of a Class I misdemeanor." As I stated before, I really don't like the bill and the amendment that I'm offering now does nothing